



AF/2174
ZM

Docket No. 80398.P388

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Examiner: Ke, P.
)
Dong, et al.) Art Unit: 2174
)
Serial No. 09/779,046) Confirmation No: 4431
)
Filed: February 7, 2001)
)
For: User Interface Management for)
Controlled Devices)
)

P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

This is a response to the Notice of Non-Compliant Amendment mailed January 24, 2006. The Examiner objected to the appeal brief because the appeal brief does not contain a concise explanation of the claimed subject matter for each independent claim and dependent claim argued separately. In response, Appellant respectfully submits that the attached appeal brief, as amended, includes the concise explanation of the claimed subject matter. Accordingly, Appellant respectfully requests the withdrawal of the objection.

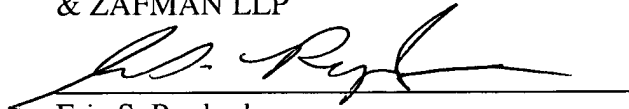
REMARKS

Applicants hereby submit an Evidence Appendix for Appeal Brief Under 37 C.F.R. §41.37 and a Related Proceedings Appendix for Appeal Brief Under 37 C.F.R. §41.37. Applicant believes there is no fee due. If there are costs involved, please charge them to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP

Dated: 2/23/2006



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Atty Docket No. 80398.P388

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)	Examiner:	Ke, P.
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

This is an appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner of Group 2174, mailed June 13, 2005, which finally rejected claims 1-38 in the above-identified application. This Appeal Brief is hereby submitted pursuant to 37 C.F.R. § 41.37(a).

I. REAL PARTY IN INTEREST

The real parties in interest are the assignees of the full interest in the invention: Sony Electronics, Inc., Park Ridge, New Jersey, and Sony Corporation, Tokyo, Japan.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

III. STATUS OF THE CLAIMS

Claims 1-38 are pending in the application and are the subject of this appeal. A copy of Claims 1-38 as they stand on appeal are set forth in Appendix A.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made after receipt of the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's invention as claimed in claims 1-38 is directed to determining an identification corresponding to a device coupled to a home network. [Specification: Figure 3, Step 320, Page 7, Lines 15-27] A user interface corresponding to the identification is loaded. [Specification: Figure 3, Step 350, Page 11, Lines 18-27]

Appellant's invention as claimed in claims 1, 3-6, 9, 10, 29, 31-34, and 38 is further directed to a user interface corresponding to the identification is loaded from a remote source. [Specification: Figure 3, Step 350, Page 11, Lines 18-27] The remote source is coupled to a remote network and provides the user interface to a plurality of different home networks, including the home network to which the device is coupled. [Specification: Figure 2, Page 9, Lines 12-20]

Furthermore, Appellant's invention as claimed in claims 7, 8, 11, 13-25, 27, 28, 35, and 36 is additionally directed to loading a basic operative user interface is loaded on the device, if the user interface is not found. [Specification: Figure 3, Step 320, Page 11, Lines 18-25] The basic operative user interface is a generic user interface for devices of the same type. For example, for video cassette type devices, the basic operative user interface can include generic "play", "stop", "rewind", "fast forward", and "record" controls. [Specification: Figure 3, Step 320, Page 11, Lines 18-27]

In addition, Appellant's invention as claimed in claims 2 and 30 is further directed to a user interface corresponding to the identification is loaded from a remote source. [Specification: Figure 3, Step 350, Page 11, Lines 18-27] The remote source is coupled to a remote network and provides the user interface to a plurality of different home

networks, including the home network to which the device is coupled. [Specification: Figure 2, Page 9, Lines 12-20]. Furthermore, the identification is either a global unique identification or unit information. [Specification: Figure 3, Step 320, Page 7, Lines 15-27]

Appellant's invention as claimed in claims 12 and 26 is further directed to loading a basic operative user interface is loaded on the device, if the user interface is not found. [Specification: Figure 3, Step 320, Page 11, Lines 18-25] The basic operative user interface is a generic user interface for devices of the same type. For example, for video cassette type devices, the basic operative user interface can include generic "play", "stop", "rewind", "fast forward", and "record" controls. [Specification: Page 11, Lines 18-27] Furthermore, the identification is either a global unique identification or unit information. [Specification: Figure 3, Step 320, Page 7, Lines 15-27]

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

I. Claims 1, 3-6, 9, 10, 29, 31-34, 37, and 38 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,603,488 to Humpelman et al. ("Humpelman").

II. Claims 7, 8, 11, 13-25, 27, 28, 35, and 36 stand rejected under 35 U.S.C. § 103(a) over Humpelman in view of U.S. Patent No. 6,300,947 to Kanevsky et al. ("Kanevsky").

III. Claims 2 and 30 stand rejected under 35 U.S.C. § 103(a) over Humpelman in view of U.S. Patent No. 6,631,351 to Ramachandran et al. ("Ramachandran").

IV. Claims 12 and 26 stand rejected under 35 U.S.C. § 103(a) over Humpelman in view of Kanevsky and Ramachandran.

VII. ARGUMENTS

I. Claims 1, 3-6, 9, 10, 29, 31-34, 37, and 38 are Patentable under 35 U.S.C. § 102(e) because Humpelman.

Claims 1, 3-6, 9, 10, 29, 31-34, 37, and 38 stand or fall together. Claim 1 is the representative claim.

Humpelman discloses a system for controlling a set of audio-visual devices connected to a home network through a single controller, such as a TV. The controller loads device user interfaces (UIs) from each connected device and presents the UIs on the controller's display. The controller and devices are connected on the same home network. In addition, a user can remotely control an audio-visual device through the Internet via an Internet proxy connected to the home network.

Appellant respectfully submits that Humpelman does not teach or suggest each and every element of independent claim 1. In particular, claim 1 recites loading a device user interface from a remote source. The remote source is coupled to a remote network so as to provide the device user interface to a number of different home networks. In contrast to Appellant's claimed loading *from a remote source*, Humpelman discloses only (i) loading a device user interface from a home network device (i.e., the audio-visual device) or (ii) remotely controlling the home network device through the Internet. Humpelman's home network device that is connected to the home network and that provides the user interface is not equivalent to Appellant's claimed remote source that is connected to a remote network and that provides the user interface.

In addition, Humpelman does not teach or suggest a remote source providing the device user interface to a number of different home networks, as claimed.

Furthermore, the Examiner asserts that Humpelman discloses loading a user interface from a non-home network source because the user can remotely control the home network device from the Internet through an Internet proxy attached to the home network. However, the Internet proxy is part of the home network and is not a remote network source, as claimed.

Therefore, Humpelman does not anticipate Appellant's claim 1, 3-6, 9, 10, 29, 31-34, 37, and 38 under 35 U.S.C. § 102(e).

II. Claims 7, 8, 11, 13-25, 27, 28, 35, and 36 are Patentable under 35 U.S.C. § 103(a) over Humpelman in view of Kanevsky because the combination of these two references does not teach or suggest all elements in the claims.

Claims 7, 8, 11, 13-25, 27, 28, 35, and 36 stand or fall together. Independent claim 11 is the representative claim.

Kanevsky discloses providing a web page to various display sizes (e.g., personal digital assistant display, laptop display, etc.). A web page adaptor module determines if the requested web page can be adequately viewed based on the size of the end-user's display. If not, the web page adaptor module searches for a replacement web page suitable for the end-user's display size.

Appellant respectfully submits that the combination of Humpelman and Kanevsky does not teach or suggest each and every element of claim 11. In particular, claim 11 recites loading a basic operative user interface for the device if a particular user interface is not found. The Examiner acknowledges that Humpelman does not teach or suggest this claim element and relies on Kanevsky as disclosing the claim limitation. However, Kanevsky discloses only using a suitable reformatted replacement web page that can be adequately viewed on a user's display. Thus, the combination of Humpelman and Kanevsky would replace the original specific device user interface with another specific user interface reformatted to fit the user's display. However, the replacement user interface is not equivalent to Appellant's basic operative user interface. The replacement device user interface is still specific to a particular device, whereas the basic operative user interface is a generic user interface intended for devices of the same type.

Therefore, the combination of Humpelman and Kanevsky cannot render obvious Appellant's claims 7, 8, 11, 13-25, 27, 28, 35, and 36 under 35 U.S.C. § 103(a).

III. Claims 2 and 30 are Patentable under 35 U.S.C. § 103(a) over Humpelman in view of Ramachandran because the combination of these references does not teach or suggest all elements in the claims, and because there is no motivation to combine these two references.

Claims 2 and 30 stand or fall together. Claim 2 is the representative claim. Claim 2 depends on claim 1 and further defines the device identification as being selected from the group consisting of global unique identification and unit information.

Ramachandran discloses toys that interact so as to appear that the toys are conversing. The toys send and receive messages to and from other compatible toys through wireless communication. Based on the messages received, a toy generates speech to simulate the toy speaking to other compatible toys.

Appellant respectfully submits that the combination of Humpelman and Ramachandran does not teach or suggest each and every element of claim 2. As discussed above, Humpelman does not teach or suggest loading a user interface from a remote source as recited in independent claim 1. Ramachandran does not teach or suggest this claim element since it contains no section teaching or suggesting loading a user interface. And, Ramachandran does not teach or suggest the alternatives of loading either a user interface that corresponds to an identification of a device or loading a basic operative interface.

In addition, Appellant argues that no explicit or implicit motivation exists to combine Humpelman and Ramachandran because a person of ordinary skill in the art would not be motivated to combine Humpelman's home network technology and Ramachandran's toy technology.

Therefore, the combination of Humpelman and Ramachandran does not render obvious Appellant's dependent claims 2 and 30 under 35 U.S.C. § 103(a).

IV. Claims 12 and 26 are Patentable under 35 U.S.C. § 103(a) over Humpelman in view of Kanevsky and Ramachandran because the combination of these references does not teach or suggest all elements in these claims, and because no motivation exists to combine these references.

Claims 12 and 26 stand or fall together. Claim 12 is the representative claim. Claim 12 depends from independent claim 11 and further defines the device identification as being selected from the group consisting of global unique identification and unit information.

Appellant respectfully submits that the combination of Humpelman, Kanevsky, and Ramachandran does not teach or suggest each and every element of claim 12. As discussed above, neither Humpelman (as the examiner admits) nor Kanevsky teach or suggest a basic operative user interface as recited in independent claim 11. Neither does Ramachandran. Furthermore, because Ramachandran does not disclose a user interface, or the alternatives of loading a user interface that corresponds to a device identification or loading a basic operative interface, Ramachandran does not teach or suggest loading a basic operative user interface, as claimed.

Appellant further argues that no motivation exists to combine these three references because a person of ordinary skill in the art would not be motivated to combine Humpelman's home network technology, Kanevsky's web page sizing technology, and Ramachandran's toy technology.

Therefore, the combination of Humpelman, Kanevsky, and Ramachandran does not render obvious Appellant's claims 12 and 26 under 35 U.S.C. § 103(a).

VIII. CONCLUSION

Appellant's claims 1, 3-6, 9, 10, 29, 31-34, 37, and 38 are patentable because Humpelman does not teach or suggest all limitations in these claims. Appellant's claims 7, 8, 11, 13-25, 27, 28, 35, and 36 are patentable because the combination of Humpelman and Kanevsky does not teach or suggest all limitations in these claims. Appellant's claims 2 and 30 are patentable because the combination of Humpelman and Ramachandran does not teach or suggest all limitations of these claims, and because there is no motivation to combine these two references. And, Appellant's claims 12 and 26 are patentable because the combination of Humpelman, Kanevsky, and Ramachandran does not teach or suggest all limitations of these claims, and because there is no motivation to combine these three references.

Therefore, Appellant respectfully requests the Board reverse all claim rejections and direct the Examiner to enter a Notice of Allowance for Claims 1-38.

Fee for Filing a Brief in Support of Appeal

Enclosed is a check in the amount of \$500.00 to cover the fee for filing a brief in support of an appeal, as required under 37 C.F.R. §§ 1.17(c) and 41.37(a).

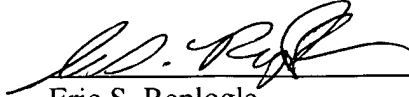
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP

Dated: 2/23, 2006

A handwritten signature in black ink, appearing to read "Eric S. Replogle", is written over a horizontal line.

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Docket No. 080398.P388

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:) Examiner:	Ke, P.
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Application No. 09/779,046) Confirm. No:	4431
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For: USER INTERFACE)	
MANAGEMENT FOR)	
CONTROLLED DEVICES)	
_____)	

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**APPENDIX A FOR
APPELLANT'S BRIEF UNDER 37 C.F.R. 41.37(a)**

1. (Previously Presented) A method comprising:
 - determining an identification corresponding to a device, wherein the device is coupled to a home network; and
 - loading a user interface found at a remote source, wherein the user interface corresponds to the identification of the device and the remote source is coupled to a remote network to provide the user interface to a plurality of different home networks.
2. (Original) The method of claim 1, wherein the identification is selected from the group consisting of global unique identification (GUID) and unit information (UINFO).
3. (Previously Presented) The method of claim 1, further comprising:
 - remotely searching for the user interface corresponding to the identification.

4. (Original) The method of claim 1, wherein the remote source includes the World Wide Web.
5. (Previously Presented) The method of claim 1, wherein the loading is performed if the user interface corresponding to the identification is not found by searching the home network.
6. (Previously Presented) The method of claim 5, wherein searching the home network includes searching the storage medium of a controller.
7. (Previously Presented) The method of claim 1, further comprising:
 - loading a basic operative user interface if the user interface corresponding to the identification is not found at the remote source.
8. (Previously Presented) The method of claim 7, wherein the basic operative user interface is modifiable through a user input.
9. (Original) The method of claim 1, wherein the user interface is loaded on a controller.
10. (Original) The method of claim 1, wherein the user interface controls the device operation.
11. (Previously Presented) A method comprising:
 - determining an identification corresponding to a device;
 - loading a particular user interface, wherein the particular user interface corresponds to the identification of the device; and
 - loading a basic operative user interface if the particular user interface is not found.
12. (Original) The method of claim 11, wherein the identification is selected from the group consisting of global unique identification (GUID) and unit information (UINFO).

13. (Previously Presented) The method of claim 11, further comprising:
 searching a home network for the particular user interface; and
 searching a network, remote from the home network, for the particular user interface if the particular user interface is not found by searching the home network.
14. (Previously Presented) The method of claim 13, wherein searching the home network includes searching a storage medium of a controller.
15. (Previously Presented) The method of claim 13, wherein searching a remote network includes searching the World Wide Web.
16. (Previously Presented) The method of claim 11, wherein the basic operative user interface is modifiable through user input.
17. (Original) The method of claim 11, wherein the user interface is loaded on a controller.
18. (Original) The method of claim 11, wherein the user interface controls the device operation.
19. (Previously Presented) A device controller comprising:
 a processor; and
 the device controller configured to detect the coupling of a device to a first communication medium, to load on the device controller a user interface that corresponds to an identification received from the device, and to load on the device controller a basic operative user interface if the user interface that corresponds to the identification is not found.
20. (Previously Presented) The device controller of claim 19, wherein the device controller is further configured to search for the user interface corresponding to the

identification on at least one of a storage medium coupled to the processor and a remote network.

21. (Previously Presented) The device controller of claim 19, wherein the device controller is further configured to search a remote network if the user interface corresponding to the identification is not found by searching a storage medium coupled to the processor.

22. (Original) The device controller of claim 19, wherein the first communication medium is an IEEE 1394 protocol compliant.

23. (Original) The device controller of claim 20, wherein searching the remote network includes searching across the first communication medium.

24. (Previously Presented) The device controller of claim 19, wherein the first communication medium is the World Wide Web.

25. (Original) The device controller of claim 20, wherein the storage medium is selected from the group consisting of memory and storage devices.

26. (Original) The device controller of claim 19, wherein the identification is selected from the group consisting of global unique identification (GUID) and unit information (UINFO).

27. (Original) The device controller of claim 19, further comprising a library of customizing tools for a user to modify the basic user interface prior to the loading on the device controller.

28. (Previously Presented) The device controller of claim 19, wherein the device controller is further configured to control the device operation through loaded the user interface.

29. (Previously Presented) A computer-readable medium having stored thereon a set of instructions, which when executed by a processor, cause the processor to perform a method comprising:

determining an identification corresponding to a device, wherein the device is coupled to a home network; and

loading a user interface found at a remote source, wherein the user interface corresponds to the identification of device and the remote source is coupled to a remote network to provide the user interface to a plurality of different home networks.

30. (Original) The computer-readable medium of claim 29, wherein the identification is selected from the group consisting of global unique identification (GUID) or unit information (UINFO).

31. (Previously Presented) The computer-readable medium of claim 29, wherein the method further comprises:
remotely searching for the user interface corresponding to the identification.

32. (Original) The computer-readable medium of claim 29, wherein the remote source includes the World Wide Web.

33. (Previously Presented) The computer-readable medium of claim 29, wherein the loading is performed if the user interface corresponding to the identification is not found by searching the home network.

34. (Original) The computer-readable medium of claim 33, wherein searching the home network includes searching the storage medium of a controller.

35. (Previously Presented) The computer-readable medium of claim 29, wherein the method further comprises:

loading a basic operative user interface if the user interface corresponding to the identification is not found at the remote source.

36. (Previously Presented) The computer-readable medium of claim 35, wherein the basic operative user interface is modifiable through a user input.

37. (Original) The computer readable medium of claim 29, wherein the user interface is loaded on a controller.

38. (Original) The computer readable medium of claim 29, wherein the user interface controls the device operation.



Atty Docket No. 80398.P388

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Alexandria, VA 22313-1450

**EVIDENCE APPENDIX FOR
APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

NONE



Atty Docket No. 80398.P388

Patent

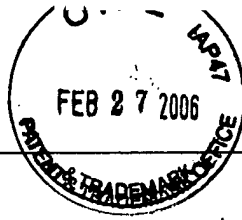
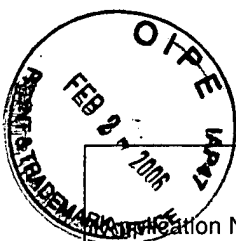
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**RELATED PROCEEDINGS APPENDIX FOR
APPEAL BRIEF UNDER 37 C.F.R. §41.37**

NONE

**AMENDMENT TRANSMITTAL****PATENT**

Application No.: 09/779,046
Filing Date: 2/7/01
First Named Inventor: Dong
Examiner's Name: Ke, P.
Art Unit: 2174
Attorney Docket No.: 80398.P388

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS


- ☐ Preliminary Amendment
- ☐ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☐ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☒ Other: Response to notice of non-compliant appeal brief, appeal brief, appendix A, related proceeding
- ☒ Other: appendix and evidence appendix
- ☐ Check(s)
- ☒ Postcard (Return Receipt)

SUBMITTED BY:

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TYPED OR PRINTED NAME: Eric S. ReplogleSIGNATURE: REG. NO.: 52,161DATE: 2/23/2006ADDRESS: 12400 Wilshire Boulevard, Seventh FloorLos Angeles, California 90025TELEPHONE NO.: (408) 720-8300**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on February 23, 2006

Cheri Olinkenbeard  Date of Deposit
Name of Person Mailing Correspondence
Signature February 23, 2006 Date

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(10/14/03)